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Attorneys for Defendant
SALLIE MAE, INC.

IN THE UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF CALIFORNIA

ANNISA MAYER, Plaintiff, vs. SALLIE MAE, Defendant.	Case No. 08 CV 0853IEG AJB DEFENDANT SALLIE MAE, INC'S NOTICE OF MOTION AND MOTION TO DISMISS PLAINTIFF'S COMPLAINT FOR DAMAGES PURSUANT TO FED. R. CIV. P. 12(b)(6) [NO ORAL ARGUMENT PURSUANT TO LOCAL RULE] Hearing Date: October 14, 2008 Time: 10:30 a.m. Courtroom: One

TO THE HONORABLE IRMA E. GONZALES, JUDGE PRESIDING, PLAINTIFF ANNISA MAYER AND HER ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that on October 14, 2008 at 10:30 a.m., or as soon thereafter as counsel may be heard in courtroom one of the above-entitled Court, located at 940 Front Street, San Diego, California 92101, Defendant Sallie Mae, Inc. ("Sallie Mae"), will and does hereby move this Court for an Order dismissing Plaintiff Annisa Mayer's ("Mayer") Complaint for Damages against Defendant Sallie Mae.

Defendant Sallie Mae requests that this Court grant its Motion to Dismiss Plaintiff Mayer's Complaint for Damages pursuant to Fed.R.Civ.P. 12(b)(6), and dismiss the claims filed by Plaintiff Mayer on the grounds that:

1. Plaintiff Mayer's First Count, alleging that Defendant Sallie Mae has violated the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et. seq. ("FDCPA"), and is therefore liable to Plaintiff Mayer for damages, fails to set forth a claim upon which relief can be granted because Defendant Sallie Mae is not a "debt collector" within the meaning of the FDCPA.

2. Plaintiff Mayer's Second Count, alleging that Defendant Sallie Mae has violated the Rosenthal Fair Debt Collection Practices Act, Cal. Civ. Code §§ 1788 – 1788.32 ("California Rosenthal Act"), and is therefore liable to Plaintiff Mayer for damages, fails to set forth a claim upon which relief can be granted because the alleged actions of the Sallie Mae, if true, are absolutely privileged pursuant to Cal. Civ. Code § 47(b). *Rusheen v. Cohen*, 37 Cal.4th 1048, 1058.

3. Count II fails to state a claim upon which relief can be granted because Plaintiff resided in Los Angeles County at the time the Loans were made and the Loans were made in Los Angeles County.

Defendant Sallie Mae's Motion is based on this Notice of Motion and Motion, the accompanying Memorandum of Points and Authorities and Declaration of James M. Austin, the pleadings and papers on file herein and upon such other matters as may be presented to this Court at or before the hearing on the Motion.

No oral argument will be heard in this matter, unless requested by the Court.

Dated: August 4, 2008

The Moore Law Group, APC

By: ______________________

Harvey M. Moore
Attorney for Defendant